

REMARKS

Claims 1 and 2 have been cancelled. Newly added claim 17 is presented and its entry into the case is requested. Accordingly, claims 3-12 and 17 are pending. Claims 5, 6 and 12 were withdrawn from further consideration as being drawn to a nonelected species.

The specification has been amended to correct the date of the provisional application.

A new declaration is submitted herewith showing the correct filing date of the provisional application.

Claims 1-4 and 8-11 stand rejected under section 102(b) as being anticipated by Cozzi (4,359,045) and under section 102(e) as being anticipated by Hsien (6,679,818). Claims 1-3 and 8-10 stand rejected under section 102(b) as being anticipated by Heisler et al. (3,152,802). Claim 7 stands rejected under section 103(a) as being unpatentable over Cozzi in view of Schaeffer (6,821,288).

Although the examiner states that each of the section 102 references produces therapeutic vestibular stimulation, such stimulation is not possible with any of the 102 reference devices if the definition of vestibular stimulation provided in applicant's specification is used as the standard. In paragraphs 0005 and 0006 of applicant's specification it is stated that vestibular receptors detect linear and angular acceleration imposed on the head. The specification states that spinning, rolling and tumbling of the body can create therapeutic movement of the head. None of the section 102 references could cause linear or angular acceleration because they are limited to angular movement that is less than 360° into a fixed position. None of the reference devices can accomplish even one complete revolution of the platform, much less continued rotation that creates spinning, rolling and tumbling of the body. The Cozzi device only enables the operator to incline the chair to angles between 0° and 60°. (column 4, lines 14-19). The Hsien device is limited to turning the trainee upside down, that is, inverting the person seated in the machine to either a vertical or some lesser angle. (column 1, lines 14-25 and column 2, lines 46- 51). The Heisler et al.

device allows the person strapped to the table to raise his arms to change the center of gravity and rotate the table so that the person's head is down. Lowering the arms will rotate the table in the opposite direction so that the head comes up. (column 5 lines 25-46). None of the section 102 reference devices are intended to or are capable of producing the spinning or tumbling that provides the therapeutic vestibular stimulation defined in applicant's specification.

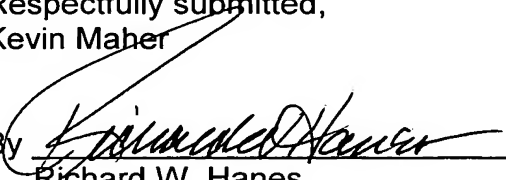
Independent claim 1 has been cancelled and replaced with newly added claim 17. In addition to the failure of the section 102 references applied against the rejected claims to produce therapeutic vestibular stimulation, claim 17 distinguishes over those references for the following other reasons: none of the references disclose frame means rotatably supporting the platform for continuous rotation through 360°. None of the applied references have actuator means for imparting continuous 360° rotation to the platforms that support the body. Allowance of claim 17 is respectfully requested.

Independent claim 8 has been amended to limit the rotation to continuous 360° rotation. As pointed out above, this limitation patentably distinguishes over the section 102 references applied to the rejection of claim 8.

Dependent claims 3, 4, 7, 9, 10 and 11 are allowable for the same reasons as given about for their independent claims 17 and 8.

Inasmuch as generic claims 17 and 8 are now believed to be allowable, consideration and allowance of dependent claims 5, 6 and 12, drawn to the nonelected species of Figures 4-6, is respectfully requested.

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